

**SPECIAL COURT FOR SIERRA LEONE
OUTREACH AND PUBLIC AFFAIRS OFFICE**



PRESS CLIPPINGS

Enclosed are clippings of local and international press on the Special Court and related issues obtained by the Outreach and Public Affairs Office

as at:

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Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
Martin Royston-Wright
Ext 7217

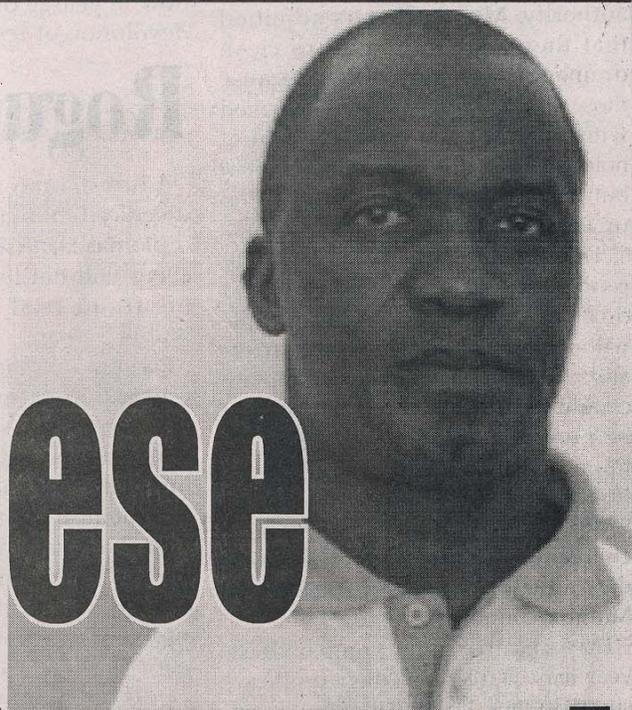
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Fugitive Senegalese implicates govt



The fugitive Senegalese arms dealer on a UN travel ban for his alleged arms trafficking in Sierra Leone in the war years has contradicted government account about his being in the country.

In an interview with Africa Confidential, Ibrahim Bah aka Ibrahim Baldeh denied government

account that they were not aware of his being in the country.

Baldeh who was secretly and dramatically flown out of the country on a presidential order despite local and international cries for his trial here, reportedly produced a letter from a senior All People's Congress (APC) official inviting him into the country in late 2007.

He also showed documents indicating he had been working closely with the government of President Ernest Bai Koroma, introduced foreign business executives to ministers, been active as a businessman in his own right and travelled all over the region unhindered.

See full report on page 11.

Breaking his silence, Ibrahim Bah denies he has blood on his hands and claims to have set up many ventures and worked closely with ministers

In an attempt to clear his name, former warlord Ibrahim Bah has been talking to Africa Confidential by telephone from a secret location. He has contradicted the government's claim that it was not aware of his presence in Sierra Leone by producing a letter from a senior All People's Congress (APC) official inviting him into the country in late 2007. Moreover, he has produced other documents that indicate that he has been working closely with the government of President Ernest Bai Koroma, has introduced foreign business executives to ministers, been active as a businessman in his own right and travelled all over the region unhindered.

Bah, who is also known as Ibrahim Balde, Ibrahim Bah and General Abraham, was deported from Sierra Leone on 27 July after AC revealed his presence in Freetown in defiance of a United Nations travel ban. President Koroma ordered his expulsion to prevent him from appearing in court to answer charges of assaulting and kidnapping one Tamba Emmanuel in 2000, at the height of the devastating civil war, say sources associated with the case (AC Vol 54 No 15). If the documents Bah has produced are authentic, it seems that the government also deported him to avoid its relationship with him from becoming known.

UN ban

Bah's current whereabouts are unknown, although says he is in Senegal with the full knowledge of the local authorities. They denied being aware of his presence (AC Vol 54 No 17). The UN imposed a travel ban on Bah for his role in dealing in diamonds and guns during the war. It concluded that he was an ally and envoy of both Charles Ghankay Taylor, the Liberian ex-President and warlord now serving 50 years for crimes against humanity, and Foday Sankoh, the bloodthirsty leader of the Revolutionary United Front (RUF). Bah only narrowly escaped indictment by the Special Court for Sierra Leone. Yet he claims, convincingly, that his regional business career in West Africa has been unaffected by this and has included dealings with ministers in both of Koroma's governments.

He says he often worked with the Sierra Leone Import and Export Promotion Agency, as well as government ministers, including the Minister of Trade and Industry and the Minister of Transport and Aviation. Richard Konteh, who was Trade Minister and is now Koroma's Chief of Staff, denied having met Bah but said that as a minister, he met so many people that it was hard to tell (AC Vol 54 No 4). When Bah was asked if he had met Koroma himself, he declined to comment.

The government's repeated insistence that it knew nothing of Bah's presence until May 2013 is challenged by a letter from the APC Chairman of the northern Tonkolili District, Paul Bangura (AC Vol 54 No 10). In it, Bangura formally invited Bah to Sierra Leone in order to drum up foreign investment. Dated 1 November 2007, the letter makes specific reference to the recent change of leadership and emphasises that 'we as a government will always welcome you and your group of

investors'. Bangura continues, 'I have no doubt in my mind that if I have a guest like your good self, credible investors will always be coming to Sierra Leone because of your credibility internationally... As chairman of the All People's Congress Party in Tonkolili District I hereby invite you officially to my country.' Bangura did not respond to our requests for comment.

The timing of the letter is significant. On the day it was sent, a former RUF legal advisor and spokesman, Omrie Golley, an associate of Bah's, was released from the maximum security prison in Freetown, along with another suspected RUF fighter, David Kai Tongi. The government of then President Ahmad Tejan Kabbah, of the Sierra Leone People's Party, had detained them on suspicion of 'subversion' in early 2006 but they had not yet been tried. It was alleged that they planned to overthrow the government and assassinate Vice-President Solomon Berewa. Golley, a Sierra Leonean-British lawyer, who had himself been subject to a UN travel ban in 2001-02 for his role in the conflict, effusively praised Koroma and the APC for releasing him.

The release of the alleged RUF coup-plotters and Bah's invitation to return to Sierra Leone occurred within weeks of the newly-elected President's return from Burkina Faso, where Bah was then living. Burkinabè President Blaise Compaoré supported Charles Taylor and the RUF and had been close to its top officers, including Bah. Burkina was the origin of many of the arms shipments to the RUF and Taylor's militia. Libya's late Colonel Moammar el Gadafi, who was close to Compaoré, also supported Taylor's operations with guns and money. Kai Tongi subsequently went to work for Bah's gold-exporting company, Ninki Limited, while Golley, an ardent cheerleader of the APC government, collaborated with Bah to bring in a group of South Korean investors, Bah says. He also says he arranged for officials of the Make Holdings Group to visit Sierra Leone, Benin, Ghana, Guinea and Togo. He later fell out with Golley, claiming that he was hijacking the investment programme for 'personal political ambition', and proceeded to inform what he describes as 'high authorities' in Sierra Leone to 'be careful with the Koreans'.

According to Make Group's website, its Chairman, James Juhee Han, was made a 'special envoy' of President Koroma in June 2008. A month later, Make had secured 'the sales dealerships of Samsung Electronics' in Sierra Leone and other West African countries, its website claims. Contacted in South Korea, Han admitted knowing Bah and described him as 'an old friend'. In January 2013, Make Group signed a series of memoranda of understanding with the Koroma government for projects that are as yet undisclosed. The following month, the pro-government media outlet Awareness Times published a photo of Han and his delegation with Vice President Samuel Sam-Sumana, along with Golley, adding that the Koreans had already met President Koroma. In June, the company announced an investment of almost US\$700 million in neighbouring Liberia.

In late 2012, Bah was also involved in an infrastructural investment plan to improve transport between Freetown and Lungi International Airport. In a letter dated 4

September 2012, he invited MagForce International, a French company dealing in military and other outdoor equipment, to 'explore the business opportunities available in the country', saying he would 'use the occasion to introduce your delegation to government officials and private sector entities'. A subsequent letter of 24 September from MagForce President Robert Franchitto to the then Trade Minister, Richard Konteh, thanked him for the time granted to the MagForce delegation.

Introductions

Further correspondence obtained by AC shows that Bah's investors then met President Koroma at State House on 13 November. By 21 December, the government had signed a memorandum of understanding with MagForce's partners, China Shipbuilding NDRI [Ninth Design and Research Institute] Engineering Company and the Chinese trading company CEMIT Machinery & Electronics Engineering Company, to implement the project, which is estimated to cost up to \$100 mn. When questioned about Bah's involvement in the project, MagForce's Managing Director, Catherine Delage, said she did not know anyone of that name. AC was unable to contact the Chinese companies before publication.

Although Bah's claims are self-serving, the records and documents he has produced clearly show that the government's denial that it knew he was in the country is incorrect. Whether Compaoré recommended him to Koroma's new government in 2007 or whether he promoted himself to the APC as an investor and businessman, the governing party evidently welcomed him with open arms. Subsequent meetings, introductions and deals show the government's open involvement with a man who, according to the UN, had played a key role in the devastation of the country in a brutal civil war that was fuelled by blood diamonds.

Bah has traded gold and diamonds through his firm, Ninki Group (SL), as well as through its affiliates, Canary Export (SL) and Eurica International (SL). Ninki applied for its first export licence on 1 January 2009. Many of its subsequent dealings were with Italian businessman Vittorio Narciso Ruello. Shipments were sent to the Gold Moving Company, of Piazza del Comune 15, Montefalco, Italy. This describes itself as a watch and jewellery wholesaler. Ruello, whose company profile describes him as an expert in, among other things, offshore registration, marine ecology and ship-brokerage, is President of the Fundación Milnavi, based in Panama, and the Chief Executive Officer of Milnavi Mexico. He eventually fell out with Bah after an ill-fated attempt to establish himself as Honorary Consul of Guinea Bissau in Mexico. Ruello claimed to be close to Carlos Slim, Mexico's wealthiest man, and that Bah had kept \$375,000 of his money (AC Vol 54 No 10).

Bah insists he was never notified of any travel ban, though the UN and Interpol issued official notices in 2003. He says he has since travelled freely throughout West Africa. He told AC that since 2003 he had visited five countries: Sierra Leone, Burkina Faso, Ghana, Guinea Bissau and Senegal, adding that he travelled openly through international airports, making no effort at concealment and was never given any trouble by immigration officials. Yet Interpol has circulated Bah's name and aliases to all immigration and police services in Africa. Botswana officials stopped a different man with the name Ibrahim Bah at Gaborone Airport this year on the strength of the Interpol notice.

Bah says he addressed a letter to the UN Security Council in 2005, via the UN Development Programme in Ouagadougou, notifying it of his intention to leave Burkina, as UN investigators, he claims, advised him to do. He says he received no reply.

Similarly, after his arrival in Sierra Leone, he says he made no attempt to keep a low profile. 'I registered my company [Ninki Group (SL)] legally and was paying tax to government,' he said. 'I always enter Sierra Leone by air through the Lungi International Airport, my office was 20 metres from a police office, I was paying residence permit regularly, I was meeting government officials openly,' he said.

When, shortly before his deportation, we visited Bah at his home, a two-storey building cut off from the rutted road in front by a high compound wall and situated in the upmarket residential district of Aberdeen, he came across as mild-mannered and personable. He took the opportunity to respond to some of the allegations against him. He admits having fought for some years with Taylor's National Patriotic Front of Liberia rebels but denies charges that he trafficked arms and diamonds. He said that Taylor did not need his help, as he was getting 'all heneeded free' from Colonel Gadaffi. Bah also denied allegations that he had facilitated gem purchases for Al Qaida operatives in Liberia, as well as claims that he fought with Hezbollah in Lebanon, the mujahideen in Afghanistan and Casamance separatists in his native Senegal. He was open about his military training in Gadaffi's International Green Army, saying his flair for languages led to him being chosen as a translator. This post enabled him 'to understand various mentalities and convictions, speak to people of various movements in Africa, Asia and Latin America'. He also denies organising a mercenary force in Freetown.

Friend Foday

One of those he met in Libya was Foday Sankoh, who later became a close confidant. 'He was a very nice friend,' recalls Bah of the RUF leader, whose chief military tactics in the civil war included amputation, rape and the widespread use of terrorised and drugged child soldiers. He died from complications after a stroke while awaiting trial at the Special Court for Sierra Leone on 17 counts of crimes against humanity in 2003. Libya is also where Bah first met Taylor, though he denies ever forming a close friendship with the future President. 'It's clear that all those who spoke against me were paid for cover up in the conspiracy against me,' he claimed.

Bah depicts himself as a peacemaker and the 'architect' of the peace talks in Abidjan, Côte d'Ivoire, and Lomé, Togo, which aimed to put an end to the conflict in Sierra Leone. It is the same defence often invoked by his former business associate, Golley, who travelled with him to the Lomé peace talks in 1999. He proudly displayed a photograph of himself at the talks next to RUF leader Sankoh.

In response to accusations against him, Bah also claims that he has already been investigated by many of the world's top intelligence agencies. The United States Central Intelligence Agency, the US Federal Bureau of Investigation, Britain's MI6 and the French foreign intelligence service all questioned him between 2001 and 2004, as well as the Special Court for Sierra Leone, he says. Bah seems convinced of his own innocence and bemoans the destructive effect of the accusations against him on his family life. 'I do not commit any crime any way in my life, I never do anything bad to any West African citizen,' he said. 'In fact I helped thousands of Sierra Leone citizens, maybe I just helped the wrong people.' Many in Sierra Leone and Liberia, however, doubt that he helped anyone but himself and may find sympathy for his situation hard to muster. They may also require answers from the government.

Awoko

Monday, 9 September 2013



Will Kenya jump ship now that the country's parliament has voted for the government to quit the Hague-based International Criminal Court (ICC) which had wanted to make history by trying a sitting president?

Would the government take up the bait, hook, line and sinker and jam the door on the jurist organization?

But it is not a decision that runs through the country's acceptance, as it could be traced to mainly government parliamentarians in the alliance that ushered the Jubilee Coalition to power in March.

The court itself has said it would not be influenced by the result of the vote.

Questions more than these are on the air but a pointer as to what the next move by the government would come from the outcome of tomorrow's appearance or non-appearance of Kenya's Vice President William Ruto, in his trial scheduled to start Tuesday (tomorrow).

Although, President Uhuru Kenyatta's trial is set for November, the decision by Parliament has driven the issue into overheat.

If the exit goes ahead, it is likely that the genie would be let out of the bottle for other African countries nursing grievances

would follow. Such exodus risks undermining the ICC's foundation turning it into a house of straw in the long run.

At this point in time, the court itself should begin to look at itself in the mirror to lay to rest, the perennial issue of why is it mainly Africans that being called to book.

In the political environment of East Africa, countries like Rwanda and Uganda had called to book this issue and have been waiting in the bunker, rehearsing to blow the trumpet for the walls of Jericho to come tumbling down.

Ugandan President Yoweri Museveni for instance had many times stoke the fire of wanting to run the ICC out of town, dismissing ICC jurists as "engaging in legal gymnastics."

African Union's chairperson Nkosazana Dlamini-Zuma in a diplomatic swerve have many times called for "African solutions to African problems."

When current ICC chief prosecutor Gambian-born Fatou Bensouda was in Freetown some years, she told me in an interview, "that's just propaganda by the anti-democrats. We are a transparent institution, full stop."

Point the gun at the ICC is not a new phenomenon.

It has been uneven at the time of Bensouda's predecessor, the abrasive Italian Luis Moreno

Ocampo.

Accusations even went as far as suggesting he was a racist, a charge he denied.

Critics of the ICC, point to only one or two convictions in its ten years of existence while supporters take comfort in the saying that the wheels of justice grind slowly.

However two cases have put the court on the limp.

One, the enforcement of the arrest of Sudanese leader, Omar el-Bashir, who freely roam the range.

Add also the case against former Ivorian leader Laurent Gbagbo, which is still on the hop-step-and-jump.

The trial chamber has given the prosecution up to November 15 to "strengthen its case " or the case would be shipped out.

What is being argued in the Kenyatta's case is and connected to the parliamentary vote for Kenya to jump ship and build up a somewhat resistance movement is the queer notion of the national interest.

Influential circles in steamy Nairobi, suspect that it was a well thought agenda - get voters to elect those that had been indicted before the election, test the waters as to whether their trials will still stick and watch the reaction.

Others contended that the confidence on the ICC has been eroded from leaked information of prosecution witnesses rejecting

statements alluded to them, protection of their identities not fully guaranteed and disappearances of witnesses.

This in one instance led to an admission by Bensouda that charges against one of the inditees, Francis Muthaura were withdrawn because some of the witness had died, while others were too scared to testify.

But what about President Kenyatta and vice president William Ruto?

State bureaucrats argue that it will pile additional political and administration pressure on both leaders to run the affairs of state and intermittently be in the dock. How would the 40 million people of Kenya see their president appearing in television casts around the world as a suspect?

"This will not serve the nation's interest even if court sittings are transferred from the Hague to Nairobi," said one western diplomat. The answers are dodgy, he confessed.

Tensions are running high and needs a cooling off period.

In it all, one should not forget the agonies of the grieving relatives that lost their loved ones.

The figure of the over 1,200 who perished in the alleged affray, cannot be counted on both hands not that of the over 700 thousands

violently uprooted from their environment to become displaced and still reeling from the shock.

For the ICC, it is apparent that the dogs would bark but the caravan rolls on.

The options on both sides are scary. Would the western powers use their influence to stifle bilateral and multilateral agreements on hold?

Democrats who had been edging themselves to the ICC's presence in putting political leaders on their toes, particularly at election times would be particularly saddened that their life lines are about to be tampered with and believing that perpetrators of violence will have a field day.

Recount that during Sierra Leone's election, political leaders watched their backs and warned their supporters with the scare tactics that ICC agents were around.

In all these developments, don't compare nations as it's all in the lottery of life.

Italy for 30 years was gripped by war, terror and murders under the Borgias but during that time, produced Michelangelo, Leonardo da Vinci and the renaissance.

Compare Switzerland which had 500 years of peace and democracy but produced the cuckoo clock.

Agence France Presse
Monday, 9 September 2013

Blacksmith turns Liberian civil war arms into art

By Zoom Dosso



A Liberian holds an old bazooka as he works for a project to make tools out of weapons in Monrovia, October 7, 2007. Weapons which were once the cause of untold misery in a nation scarred by civil wars are now being transformed into symbols of hope for Liberians. (AFP/File)

MONROVIA (AFP) – German blacksmith Manfred Zbrzezny and his apprentices hammer, file and weld in a steamy, dark workshop on the outskirts of the Liberian capital Monrovia, surrounded by parts for AK-47s, bazookas and other deadly arms.

In another lifetime, these weapons were the cause of untold misery in a nation scarred by ruinous back-to-back civil wars, but now they are being transformed into symbols of hope for Liberians.

Since 2007, Zbrzezny and his team at Fyrkuna Metalworks have been gathering parts of weapons decommissioned during the disarmament process after the conflict ended ten years ago to turn them into ornate flowerpots, lamps, furniture and sculptures.

"It was strange from the beginning to work with weapons or instruments of destruction and suffering. The first two years I was working on this it remained very strange to me," Zbrzezny said.

"When I had a piece in my hands I would think about what was happening now to the perpetrators who used these weapons, and what was happening to the victims, and I would put the piece down to go drink a cup of coffee because it was a little bit oppressive."

Today, as he holds each weapon part, Zbrzezny is able to focus on its potential for bringing healing to the people of Liberia.

"I do some thinking on how to transform it into something different, how to transform something that was destructive into something constructive, how to transform something negative into something positive," he said.

Deep psychological and physical wounds remain in Liberia after two civil wars which ran from 1989 to 2003, leaving a quarter of a million people dead.

Numerous rebel factions raped, maimed and killed, some making use of drugged-up child soldiers, and deep ethnic rivalries and bitterness remain across the west African nation of four million people.

Zbrzezny, who had worked as a blacksmith in Italy and Germany, came to Liberia in 2005, two years after the end of the rebel siege of Monrovia that brought a fragile peace to the west African nation.

He failed initially to make money out of his trade until in 2007 he was approached by the owners of a riverside restaurant who asked if he could put his skills to transforming the parts of old weapons into a marine-themed banister.

The project was such a success that he began making other pieces for the restaurant with parts from rocket-propelled grenade launchers and sub-machinegun barrels -- then still commonplace in Monrovia.

He began collecting weapons parts from a German charity involved in Liberia's disarmament process and made a business out of transforming instruments of war into candle stands, bookends, bells and bottle openers.

"So it was by chance that I got into this. Now I employ five young Liberians who are learning the trade at the same time," said Zbrzezny, who calls his work "Arms into Art".

One of Zbrzezny's most ambitious projects was a "peace tree" fashioned in 2011 from weapons parts on Providence Island, an iconic part of Monrovia where freed slaves from the United States landed in the 19th century to found the new republic.

Momodu Paasawee, the caretaker for the area where the tree is exhibited, said it had become a symbol for reconciliation in post-war Liberia.

"Seeing this tree reminds Liberians that the war has ended and never should we return to war... Tourists and Liberian students come here to see the tree," he said.

"Sometimes people come here believing that this is a real tree but I have to tell them that this is a peace tree made out of the barrels of guns."

Zbrzezny, who is married to a Liberian woman who is expecting their second child, says most of his customers are expats, with few Liberians buying his wares.

Keen to expand his work, Zbrzezny has been trying to convince the United Nations mission in Liberia to donate its weapons scrap.

-- Leaving the past behind --

The Truth and Reconciliation Commission was set up by President Ellen Johnson Sirleaf to probe war crimes and rights abuses between 1979 and 2003, and particularly during the brutal conflicts that raged in 1989-96 and 1999-2003.

The commission said a war crimes court should be set up to prosecute eight ex-warlords for alleged crimes against humanity but the government is yet to implement the recommendations.

A decade after the war, no money has been made available and the only Liberian to face trial is Charles Taylor, and that was for his role in neighbouring Sierra Leone's civil conflict, not that in his own country.

The former leader is appealing a 50-year prison sentence handed down in May last year for supporting rebels in Sierra Leone in exchange for "blood diamonds" during a civil war that claimed 120,000 lives between 1991 and 2001.

Meanwhile a generation of traumatised children who witnessed untold horrors in Liberia are now struggling to come to terms with their country's violent past as adults.

Emmanuel Freeman, 28, one of Zbrzezny's apprentices, was a child during most of the conflict and saw both of his parents slain.

"They were killed by guns. These are the same guns I am transforming today into something else," he said. "I am excited, happy and very pleased to do that.

But "sometimes when I am holding the scraps it reminds me what I saw during the war", he added.

Fox News

Tuesday, 10 September 2013

International Criminal Court starts post-election violence trial of Kenya deputy president

THE HAGUE, Netherlands – The trial of Kenya's deputy president has opened at the International Criminal court on charges of orchestrating deadly violence in the aftermath of his country's disputed 2007 election.

William Ruto, wearing a dark suit and striped tie, looked confident as the case opened Tuesday with Presiding Judge Chile Eboe-Osuji outlining the background of the proceedings.

Ruto and broadcaster Joshua Sang are both accused of murder, deportation and persecution. They insist they are innocent.

The case is a critical test for the ICC to demonstrate it can successfully prosecute an African leader. In November, Kenya's president Uhuru Kenyatta will stand trial on similar charges.

Prosecutors have complained of widespread witness intimidation leading into the trial and some witnesses have refused to testify, throwing the strength of the case into question.

Read more: <http://www.foxnews.com/world/2013/09/10/international-criminal-court-starts-post-election-violence-trial-kenya-deputy/#ixzz2eToDVuvU>

The Economist
Saturday, 7 September 2013

It's show time

The trial of Kenya's President Uhuru Kenyatta (pictured right) and his deputy William Ruto (left) could affect justice and political stability at home and abroad



FIVE years after a violent election that drove Kenya to the brink of civil war, some of the alleged leading perpetrators are at last to go on trial. The first, on September 10th, is William Ruto, a leader of the Kalenjin group, who was elected vice-president in March. A month or two later it will be the turn of his boss, President Uhuru Kenyatta, a leader of the Kikuyu tribe, who is being tried separately.

The two men stand accused of pitting their communities against each other in campaigns of ethnic cleansing and murder in early 2008 that left a good 1,300 people dead. But they teamed up last year to win parliamentary and presidential elections held this March, partly by stirring up national and tribal feeling against the International Criminal Court (ICC) at The Hague, where they are to be tried.

In this section

Warnings from Kenya's Western allies evidently had little effect on the voters. As a result, their relations with Mr Kenyatta and his new government have been frosty, though on a visit to London in May he did meet Britain's prime minister. Kenya seems quite cheery. In June the World Bank said its economy "could be in a position for a take-off". With an indictee of the ICC riding so high, the court looks isolated as it tries a sitting head of state for the first time.

Messrs Kenyatta and Ruto face long prison sentences if convicted. Their trials may last several years and could keep Kenya's leaders away from government business for long, disruptive periods. Strains are already showing. Some witnesses who had previously agreed to testify against Mr Kenyatta are unwilling to do so now. Their reluctance has resulted in the dropping of separate charges against Francis Muthaura, the former head of the civil service, one of several other people originally indicted.

Partisan coverage in some local papers has fostered the impression that the cases against the two leaders have already been fatally weakened. Readers are lapping it up. Since the election, opinion polls show waning support for the prosecution. Approval rates for the ICC have dipped from nearly 60% to less than 40%.

James Gondi, who campaigns for legal rights, says the country's leaders are conducting a "propaganda war" and parading themselves as heroes defending their communities. But he still hopes that once the trials get under way Kenyan consciences will be pricked by the gravity of the charges against the president and his deputy.

The accused have not had it all their own way. Mr Ruto failed in his application to have the hearings moved from the Netherlands to Kenya or neighbouring Tanzania. A ruling on a similar appeal by Mr Kenyatta is expected on September 7th. The defendants' attempts to rally support at the UN Security Council to have their cases dropped came to nothing. African Union leaders have condemned the prosecution of two of their own but none of the 34 African states that signed up to the Rome statute of the ICC has withdrawn from it.

"A perception game is afoot," says Elizabeth Evenson of Human Rights Watch, a New York-based lobby, and so far the ICC has been doing badly. The court looks feeble after dropping charges against one of the accused and failing to protect witnesses. Kenyan victim groups say they have been warned against watching the hearings on television. Mr Ruto is to travel to The Hague with 100 MPs to show he has popular support. They will try to force Kenya to withdraw from the Rome statute, though that would not affect the trial. Judges must wonder if the accused will eventually stop turning up, making a mockery of the new system of international justice. Whether Kenya or the court would look more isolated is moot.

Meanwhile, the ICC needs to bolster its credibility elsewhere. It would help if war criminals outside Africa were brought before it; the Balkan villains of the 1990s were tried under separate UN-sponsored tribunals. While preliminary investigations are under way in Latin America and the Middle East, they have so far failed to lead to indictments, let alone convictions. This has allowed the court's African critics to accuse it of "race hunting", even though most African cases were referred to the ICC by African governments; Kenya's consented. When the ICC's flamboyant chief prosecutor, Luis Moreno Ocampo, an Argentine, stood down, he was replaced by a doughty Gambian lady, Fatou Bensouda.

In any case, the ICC's wheels of justice grind too slowly. The court at The Hague, as distinct from the temporary tribunals that have judged people in former Yugoslavia and Rwanda, has convicted only one person, a Congolese warlord, Thomas Lubanga. That took six years. Some fear the Kenyan trials may take even longer.

Hirondelle News Agency (Lausanne)

Saturday, 7 September 2013

Kenya Moves Toward ICC Pullout

Arusha — Kenya's National Assembly voted Thursday to withdraw from the Treaty of Rome, which created the International Criminal Court (ICC). Meanwhile, the trial opening in Rwanda of the first accused person transferred by the International Criminal Tribunal for Rwanda (ICTR) was again postponed.

ICC/KENYA

Kenya moves toward ICC pullout: Kenyan Members of Parliament on Thursday voted to withdraw from the Rome Statute, founding treaty of the ICC. This came as the ICC prepares to start trials of the country's two top officials. President Uhuru Kenyatta and Deputy President William Ruto, both elected in the first round of elections in March, are charged with crimes against humanity committed during post-electoral violence in 2007-2008. The ICC reiterated that a withdrawal from the ICC cannot, under the Rome Statute, cancel or in any way influence cases already under way.

ICC/NIGERIA

Nigeria urged to arrest Sudanese president: In a decision Friday, the ICC urged Nigeria to immediately arrest Sudanese President Omar Al Bashir if another opportunity arises. Bashir, who is the subject of two ICC arrest warrants, went to Nigeria in July to take part in an African heads of state summit on AIDS, malaria and tuberculosis. The summit ran from July 12 to 16, but Bashir quit the summit before the end of the meeting.

RWANDA

Uwinkindi trial postponed again: Rwandan judicial authorities on Thursday postponed once again the trial of Pastor Jean Uwinkindi, the first detainee to be transferred by the International Criminal Tribunal for Rwanda (ICTR). This came at the accused's own request. A new date of October 11 was set. Pentecostal pastor Uwinkindi, 60, is charged with genocide and extermination.

NEXT WEEK

ICC

Ruto trial: The joint trial of Kenyan Deputy President William Ruto and journalist Joshua Sang is due to start Tuesday at the ICC. The two men, both of whom are still free, are charged with crimes against humanity committed during post-electoral violence in 2007-2008.

FRANCE

Decision on Rwandan extradition request: A French court is due to hand down Thursday a decision on a Rwandan extradition request for former deputy army chief of staff Laurent Serubuga, suspected by Kigali of involvement in the 1994 genocide.

Voice of America

Monday, 9 September 2013

Key Prosecutor Quits UN-Backed Cambodia War Crimes Tribunal

Robert Carmichael

The international prosecutor at Cambodia's embattled Khmer Rouge tribunal has quit. The resignation of Andrew Cayley, who was appointed to the post in December 2009, comes as the court prepares closing arguments in its first mini-trial of two surviving Khmer Rouge leaders.

British national Andrew Cayley told VOA that it was no secret he was planning to resign this year, but said he was leaving now for personal and professional reasons. He did not elaborate and said his resignation will not affect the ongoing prosecutions under his authority.



International prosecutor Andrew Cayley (2010 file photo)

Cayley's departure, which is effective September 16, comes at a crucial time in the court's prosecution of two surviving Khmer Rouge leaders: Nuon Chea and Khieu Samphan.

Nuon Chea was Pol Pot's deputy, while Khieu Samphan was head of state of the regime that is believed responsible for the deaths of two million people between 1975 and 1979.

The trial of the elderly defendants - known as Case 002 - is so complex that the court divided it into a number of smaller trials. The first of those mini-trials concluded in July. Since then the prosecution, the defense and the lawyers for the civil parties have been preparing their closing submissions.

All are scheduled to file their submissions later this month, with the court due to hear arguments in October. A judgment is expected next year.

Cayley said that process, as far as the prosecution was concerned, remained on track.

"What I've done in the past month - which I undertook to the UN to do - is I've put in place measures basically that the case will continue to a proper conclusion," said Cayley. "Our written submissions are almost complete and will be ready to be filed on the 26th of September. So yes, it's not an ideal situation, but certainly the office is well prepared for my departure. And the office is not just about me - it's about a whole team of people working together, and me departing is not going to affect the quality of the work."

Cayley's departure also comes as the court is dealing with a strike by Cambodian staff. They walked out a week ago after having not been paid since May. The strike could delay the court's efforts to hear closing submissions by the end of October.

Under the rules of this hybrid tribunal, the Cambodian government is responsible for finding the funds to pay national staff - but it says it cannot afford to do so.

The United Nations' role is to fund the international side. But in recent weeks U.N. Secretary-General Ban Ki-moon has warned that the court could collapse, and asked countries to donate the three million dollars needed to keep the national side running until the end of the year.

Although salaries for international staff are not affected, Cayley says the funding crisis has made the lives of his Cambodian co-workers difficult.

"Looking at my national colleagues, it's not just critical for the functioning of the court; it's actually critical to their lives," said Cayley. "These are people who haven't been paid for several months, and they have families that need to be supported. That's why I think it needs to be resolved as quickly as possible."

Despite the litany of problems that have affected the tribunal, Cayley believes it will deliver some measure of justice for the Cambodian people.

"Frankly, actually, I don't really leave here with any disappointments. You know, the court is what it is," said Cayley. "It has the challenges that it has. It's still here - and hopefully will be here to finish the work that it has left. I hope at the end of it all the Cambodian people find some level of relief and satisfaction in what the court has produced and will produce."

Cayley's replacement is U.S. lawyer Nicholas Koumjian, who has worked previously at the Special Court for Sierra Leone and the International Criminal Tribunal for the former Yugoslavia. Koumjian is scheduled to arrive in Cambodia next month.

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Establish a Syrian War Crimes Tribunal

By Chris Smith, Published: September 9

Rep. Chris Smith, a Republican from New Jersey, chairs the House Foreign Affairs Committee's human rights panel.

There is a non-lethal way to help ensure that Bashar al-Assad and other perpetrators of atrocities in Syria are held to account not someday far in the future but beginning now.

The U.N. Security Council must move immediately to establish a Syria War Crimes Tribunal. Past ad hoc war crimes tribunals including courts for the former Yugoslavia, Sierra Leone and Rwanda have made a difference, but sent thugs to jail after hostilities ended. A new sense of urgency and commitment requires initiating investigations and prosecutions now in order to send a clear message to those who commit genocide— and all those just following orders — that such barbaric behavior has dire personal consequences.

On Monday, I introduced a bipartisan congressional resolution urging the President to use our voice and vote at the United Nations to create the Syrian War Crimes Tribunal.

Can a U.N. Security Council resolution establishing a Syrian tribunal prevail? Yes. With a Herculean diplomatic push by the United States and other interested nations, past success in creating war crimes courts can indeed be prologue. Notwithstanding Russia's solidarity with Serbia during the war in the Balkans, the International Criminal Tribunal for the former Yugoslavia (ICTY), now in its 20th year, passed unanimously. Ditto for the special court in Sierra Leone in 2002. The Rwanda tribunal was created in 1994, with China choosing to abstain rather than veto.

At the Syrian court, no one on either side who commits war crimes, genocide or crimes against humanity would be precluded from prosecution. In the early '90s, the Russians knew that the ICTY was designed to hold all transgressors liable for punishment — not just Serbians — and did not veto the U.N. Security Council resolution that instituted that court. I believe the Russians, and the Chinese, can be persuaded to support or at least abstain from blocking establishment of the court.

An ad hoc country-specific court has significant advantages over the International Criminal Court (ICC) as a venue for justice. For starters, both Syria and the United States are nonmembers of the ICC, although mechanisms exist to push prosecutions there. The ICC has operated since 2002 and boasts only one conviction. By way of contrast, the Yugoslavia court convicted 67 people, Rwanda 26 and the Sierra Leone court sent 16 to prison. Moreover, a singularly focused Syrian War Crimes Tribunal court that provides Syrians themselves with some degree of ownership at some point in the process will likely enhance its effectiveness.

Meanwhile, the Obama administration push for military strikes intensifies.

At a House Foreign Affairs hearing last week, I asked Secretary of State John Kerry if there was proof that Bashar al-Assad had ordered the August 21 chemical weapons attack in a suburb of Damascus. I also

asked him for rudimentary clarity of mission by defining “limited strike” and the expected “duration” of any potential U.S. attack.

Astonishingly, Secretary Kerry failed to answer those pertinent questions.

Yet each day, the Obama team grows shriller suggesting that not using military force constitutes doing nothing. Support missiles and bombs or the moral implication is that you embrace the status quo.

Never does the Obama team admit that wielding powerful weapons against Syria is fraught with potentially disastrous consequences not just inside the war-torn country but throughout the region. In the president’s rush to bomb, no one knows for sure whether U.S. strikes will mitigate or exacerbate the violence. And with the rebels’ ranks swelling with al-Qaeda extremists, does military action by the United States help or hinder any future transition to humane and responsible governance in a free Syria? What are the risks to U.S. service members and allies in the region?

Additionally, the ugly specter of innocent Syrian civilians either killed or wounded by U.S. firepower cannot be overlooked, trivialized or dismissed.

Switch gears, Mr. President. Fight to establish the Syrian war crimes court and hold both Assad and the rebels who commit egregious crimes to account.